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U.S. DISTRICT COURT E.D.N.Y.

MRM:AT/KCM/BJR
F. #2024R00194

★ MAY 01 2024 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

LONG ISLAND OFFICE

----- X

UNITED STATES OF AMERICA

- against -

DEVIN ANTHONY MAGARIAN,

Defendant.

----- X

THE GRAND JURY CHARGES:

INDICTMENT

CR-24

178

Cr. No. _____
(T. 21, U.S.C., §§ 841(a)(1), 841(b)(1)(C),
843(a)(3), 843(d)(1), 846, 853(a) and 853(p);
T. 18, U.S.C., §§ 2 and 3551 et seq.)

CHOWDHURY, J.

LOCKE, M. J.

COUNT ONE

(Conspiracy to Distribute and Possess with Intent to Distribute Oxycodone)

1. In or about and between December 2022 and March 2024, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant DEVIN ANTHONY MAGARIAN, together with others, did knowingly and intentionally conspire to distribute and possess with intent to distribute a controlled

substance, which offense involved a substance containing oxycodone, a Schedule II controlled substance, contrary to Title 21, United States Code, Section 841(a)(1).

(Title 21, United States Code, Sections 846 and 841(b)(1)(C); Title 18, United States Code, Sections 3551 et seq.)

COUNT TWO

(Distribution and Possession with Intent to Distribute Oxycodone)

2. In or about and between December 2022 and March 2024, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant DEVIN ANTHONY MAGARIAN, together with others, did knowingly and intentionally distribute and possess with intent to distribute a controlled substance, which offense involved a substance containing oxycodone, a Schedule II controlled substance.

(Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C); Title 18, United States Code, Sections 2 and 3551 et seq.)

COUNT THREE

(Obtaining Oxycodone by Misrepresentation)

3. In or about and between December 2022 and March 2024, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant DEVIN ANTHONY MAGARIAN, together with others, did knowingly and intentionally acquire a controlled substance, which offense involved a substance containing

oxycodone, a Schedule II controlled substance, by misrepresentation, fraud, forgery, or deception.

(Title 21, United States Code, Sections 843(a)(3) and 843(d)(1); Title 18, United States Code, Sections 2 and 3551 et seq.)

CRIMINAL FORFEITURE ALLEGATION

4. The United States hereby gives notice to the defendant that, upon his conviction of any of the offenses charged herein, the government will seek forfeiture in accordance with Title 21, United States Code, Section 853(a), which requires any person convicted of such offenses to forfeit: (a) any property constituting, or derived from, any proceeds obtained directly or indirectly as the result of such offenses; and (b) any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offenses, including, but not limited to the following assets, all seized by law enforcement on or about January 23, 2024, from the defendant's residence in Kissimmee, Florida:

- (i) approximately \$2,600.00 in United States currency, seized from a black suitcase;
- (ii) approximately \$13,222.00 in United States currency, seized from a grey sentry safe;
- (iii) approximately \$14,190.00 in United States currency, seized from a black sentry safe; and
- (iv) approximately \$3,070.00 in United States currency, seized from a black backpack.

5. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

a. cannot be located upon the exercise of due diligence;
b. has been transferred or sold to, or deposited with, a third party;
c. has been placed beyond the jurisdiction of the court;
d. has been substantially diminished in value; or
e. has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 21, United States Code, Sections 853(a) and 853(p))

A TRUE BILL

 FOREPERSON

By Carolyn Pokorny, Assistant U.S. Attorney

BREON PEACE
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK